IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4939 OF 2005

Rajen Manilal Sheth ...Applicant
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr. M. D. Dalvi for the Applicant.
Mr. A. S. Gadkari, A.P.P. for the Respondents.

CORAM : A. S. OKA, J.
DATE : AUGUST 05, 2005.

P.C.:

1. Heard Advocate appearing for the Applicant and the learned A.P.P. for the Respondent No.1. By order dated 16th March, 2005, the Applicant was directed to serve notice of the main Writ Petition to the Respondent No.3 by publication in "Times of India" Mumbai edition and in "Loksatta" Mumbai edition. It appears that the Applicant published the notice in "Maharashtra Times" Mumbai edition and "Economic Times". By the present Application, modification of the said order is sought by praying that instead of daily "Loksatta", the publication in daily "Maharashtra Times" may be treated as sufficient compliance and instead of "Times of India" notice may be allowed to be published either in "Free Press Journal" or "Mid-day". Considering the facts and circumstances of the case, earlier order is required to be modified.

2. Application is disposed of by passing following order:

: O R D E R :

i) Publication of the notice in marathi daily "Maharashtra Times" be treated as substantial compliance of a part of order dated 16th March, 2005. The order dated 16th March, 2005 directing publication of the notice in daily "Times of India" is modified and the Applicant is permitted to publish the notice in daily "Free Press Journal" Mumbai. Publication to be made within a period of four weeks from today.

ii) Application is disposed of accordingly.

JUDGE